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Docket No.: 0010-1070-0

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OBLON  
SPIVAK  
McCLELLAND  
MAIER  
&  
NEUSTADT  
P.C.

ATTORNEYS AT LAW

NORMAN F. OBLON  
(703) 413-3000  
NOBLON@OBLON.COM

DANIEL J. PEREIRA  
(703) 413-3000  
DPEREIRA@OBLON.COM  
\*REGISTERED PATENT AGENT

ATTENTION: BOX SEQUENCE  
ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

RE: Application Serial No.: 09/466,935  
Applicant(s): Vitaliy A. LIVSHITS et al  
Filing Date: December 20, 1999  
For: NOVEL GENE AND METHOD FOR PRODUCING  
L-AMINO ACIDS  
Group No.: 1652  
Examiner: Steadman  
Attn: **BOX SEQUENCE**

SIR:

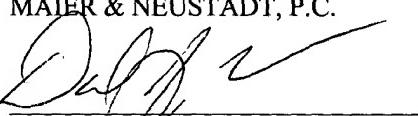
Attached hereto for filing are the following papers:

**NOTICE TO COMPLY  
PRELIMINARY AMENDMENT  
SEQUENCE LISTING  
COMPUTER-READABLE SEQUENCE LISTING (DISKETTE)**

Our check in the amount of \$\_\_\_\_\_ is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 CFR 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

  
Norman F. Oblon  
Registration No. 24,618  
Attorney of Record

Daniel J. Pereira, Ph.D.  
Registration No. 45,518



22850

Application No.: 09/466, 935

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- 7. Other: \_\_\_\_\_

**Applicant Must Provide:**

- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

For PatentIn software help, call (703) 308-6856

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE**

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF : :

VITALIY A. LIVSHITS ET AL. : GROUP ART UNIT: 1652

SERIAL NO: 09/466,935 : :

FILED: DECEMBER 20, 1999 : EXAMINER: STEADMAN

FOR: NOVEL GENE AND METHOD  
FOR PRODUCING L-AMINO ACIDS

### PRELIMINARY AMENDMENT

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

Responsive to the Notice to Comply dated March 16, 2001, Applicants submit herewith a substitute Sequence Listing and a corresponding computer-readable Sequence Listing. Prior to examination on the merits, please amend the above-identified application as follows.

### IN THE SPECIFICATION

Please amend the specification as follows:

~~Please delete the Sequence Listing on pages 37-41.~~

~~Page 45 (Abstract), at the last line, beginning on a new page, please insert the attached substitute Sequence Listing.~~